

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 02, 2004**

DIVISION ONE

[illegible]

The judgment is affirmed and the cause is remanded to the trial court with directions (1) to issue a corrected abstract of judgment in which, on count 5, the 15-year gang enhancement (Section 186.22, subd. (b)(1)) is stricken and replaced with the imposition of a 15-year minimum parole eligibility pursuant to section 186.22, subdivision (b)(5), and (2) to forward the corrected abstract to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B171962      People                                  (Not for Publication)  
v.  
Rigoberto Flores

We affirm the judgment. We remand the case to the trial court for it to enter an order dismissing the remaining prior conviction allegations which Flores did not admit.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

DIVISION TWO

B167486      Bookstein                      (Not for Publication)  
v.  
Gross

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

B166952 People (Not for Publication)  
v.  
Casas

The order under review is affirmed, without prejudice to the pursuit of any appropriate proceedings in superior court pursuant to sections 1016.5.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B173692 People (Not for Publication)  
v.  
Lopez

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

November 02, 2004 (Continued)

## DIVISION TWO (Continued)

B170334 People v. White (Not for Publication)

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

B173134      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Misumi O.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

DIVISION THREE

B151403 People v. Alsborg (Not for Publication)

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

DIVISION THREE (Continued)

B175626 Los Angeles County, D.C.S. v. De Shon G., et al.  
B176783 Los Angeles County, D.C.S. v. Victoria G.

Filed order consolidating above captioned appeals.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B173769 People v. Timothy McKettrick  
B169124 People v. Albert Macias  
B169366 People v. Isaac Wilson  
B173185 People v. David Barclay  
B171429 People v. Jose Manuel Lopez

Argument waived, cause submitted.

B164022 TME Enterprises Inc. et al  
v.  
Norwest Corporation et al.

Merits:

Argued by Jeffrey L. Licht for appellants and by Debra Solle Healey for respondents. Cause submitted.

B172741 Kevin Trannguyen  
v.  
Gerald Laska

Merits:

Argued by Allan E. Perry for appellant and by Guillermo W. Schnaider for respondent. Cause submitted.

DIVISION FIVE (Continued)

B171291 Michael Carpenter  
v.  
American Honda Motor Co. Inc et al

Merits:  
Argued by Douglas G. Benedon for appellant and by Steven Glaser for respondents. Cause submitted.

B169467 Lynn Lazdowski  
v.  
Bowne of Los Angeles Inc.

Merits:  
Argued by John R. Fuchs for appellant and by Barry Morris Appell for respondent. Cause submitted.

Court recess 11:01 a.m.

Court reconvened at 11:02 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

B174518 C3 Entertainment Inc.  
v.  
Hartford Casualty Ins.

Merits:  
Argued by Robert N. Benjamin for appellant and by Cheryl Orr for respondent. Cause submitted.

Court recessed 11:23 a.m.

November 02, 2004 (Continued)

DIVISION FIVE (Continued)

Court reconvened at 11:24 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B174999 People v. Edward R. Benavidez  
B172249 People v. Eduardo G.  
B174972 DCFS v. Sherrie S. (In re Robert A. et al)

Argument waived, cause submitted.

B172906     Jeffrey Conaway et al.  
                 v.  
                 Mandalay Resort Group et al.

Merits:  
Argued by William W. Block for appellants and by David S. Porter for respondents. Cause submitted.

Court recess at 11:47 p.m.

Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

B167719     Johnson v. United Methodist Church

Argument waived, cause submitted.

November 02, 2004 (Continued)

## DIVISION FIVE (Continued)

B170071 Marshall B. Drazen et al.  
v.  
Enco Structural Builders Inc et al

Merits:  
Argued by Edward J. Horowitz for appellants and by Rita Gunasekaren for respondents. Cause submitted.

B170751      Roger J. Heath  
v.  
Catalina Pacific Concrete Company, Inc. et al

Merits:  
Argued by Ryan D. McCortney for appellant and by Carney R. Shegerian  
for respondent. Cause submitted.

Court adjourned.

## DIVISION SIX

B167190      Burnett      (Certified for Publication)  
v.  
Chimney Sweep

The judgment on the pleadings and orders awarding attorney fees are reversed. The trial court is directed to enter a new and different order denying the motions for judgment on the pleadings, except that it shall grant Courtland-Dane's motion as to the third cause of action for breach of contract. Appellants shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

November 02, 2004 (Continued)

## DIVISION SIX (Continued)

B170287 People v. Perry (Not for Publication)

---

The parole restitution fine imposed pursuant to section 1202.45 is ordered stricken. As so modified, the judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                              Yegan, J.

B170170 People v. Aguilar (Not for Publication)

---

The trial court is directed to modify the abstract of judgment by striking the one-year section 667.5, subdivision (b) enhancement, and to forward the modified abstract of judgment to the Department of Corrections. As so modified, the judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

## DIVISION SEVEN

B177807	AES Redondo Beach, L.L.C., v. County of Los Angeles
B177808	AES Alamitos, L.L.C., v. County of Los Angeles

Filed order consolidating above captioned appeals.